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THE CAMP LEJEUNE JUSTICE ACT OF 2022

CAMP LEJEUNE WATER CLAIMS
A GUIDE

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1. Overview

The Camp Lejeune Justice Act of 2022 (H.R. 6482) is nestled within a broader piece of legislation, the Honoring Our PACT Act of 2022 (H.R. 3967), which was introduced by Congress to provide relief for servicemembers and their families who have been exposed to various toxins through their participation in or proximity to the U.S. Military.

The President signed the PACT Act, inclusive of the Camp Lejeune Justice Act, into law on August 10, 2022.

As the landscape surrounding the PACT Act and subsequently the Camp Lejeune Justice Act continues to develop, below is a brief guide that covers the main features of the legislation and some insight on how to navigate its nuances.

Disclaimer: The information contained herein includes what was available at the time of this guide's publication. The guide is not to be construed as providing legal advice until an attorney-client relationship is formed and the law and process for these claims is further defined.

2. FAQs

Q: What is the Camp Lejeune Justice Act of 2022?

A: The Camp Lejeune Justice Act of 2022 is an Act that aims to establish a cause of action for those harmed by exposure to water at Camp Lejeune in North Carolina.¹

Q: Who is permitted to establish a cause of action under the Camp Lejeune Justice Act of 2022?

A: People, including veterans, family members, non-military workers (civilian contractors), and others (i.e., one's estate) who:

- Were at Camp Lejeune between August 1, 1953, and December 31, 1987;
- for 30 days or more; and
- can establish one or more relationships between the water at Camp Lejeune and the harm they or their loved one endured.²

Q: Who carries the burden of proof of establishing the relationship between the water at Camp Lejeune and the harm suffered?

A: The burden of proof shall be on the party filing the action.³

Q: How do I establish a relationship between the water at Camp Lejeune and the harm suffered?

A: You can establish a relationship between the water at Camp Lejeune and the harm suffered in two steps:

¹ H.R. 6482.

² *Id.* at § 2(b).

³ *Id.* at § 2(b)(1).

- (1) having a verified condition (see **Appendix**)⁴; and
- (2) producing evidence that is either
 - a. sufficient to show a causal relationship exists; or
 - b. sufficient to show a causal relationship is at least as likely as not.⁵

Q: If I meet the above requirements, where can my suit be filed?

A: Claims shall only be filed in the U.S. District Court for the Eastern District of North Carolina.⁶

Q: What if I don't want to file a suit right now? How long do I have to file one?

A: The Camp Lejeune Justice Act of 2022 was signed into law on August 10, 2022.

A claimant must file his or her claim within 2 years of August 10, 2022 (the date of enactment) or within 180 days of the claim being denied under 28 U.S.C. § 2675.⁷ See below for further guidance on the 180-day timeline as it relates to 28 U.S.C. § 2675.

Q: What steps must I take to file a lawsuit in the Eastern District of North Carolina?

A: Before filing a lawsuit in the Eastern District of North Carolina, an individual must exhaust administrative remedies under 28 U.S.C. § 2675.⁸

28 U.S.C. § 2675 is a law that requires any claimant bringing a claim against the U.S. Government for injury, loss of property, or death must first present a claim to the appropriate Federal Agency.⁹ The Federal Agency will then have six months to provide a final determination of the claim.¹⁰

Once an individual receives a final administrative denial, he or she has 180 days from the denial date to file in court.¹¹ This 180-day rule appears to apply even if the 2-year statute of limitations of the Act has expired.¹²

Q: What if I previously submitted a claim involving water contamination at Camp Lejeune?

A: At this time, it appears that even if you have previously filed a claim regarding exposure to toxic water at Camp Lejeune, that claim must be refiled to be considered under the Camp Lejeune Justice Act of 2022.¹³

⁴ See Appendix A.

⁵ H.R. 6482 § 2(b)(2)(A)-(B).

⁶ *Id.* at § 2(c).

⁷ *Id.* at § 2(i).

⁸ See "Our North Carolina Lawyers are Prepared to File a Camp Lejeune Water Contamination Lawsuit on Behalf of Affected Veterans and Families Now that the Camp Lejeune Justice Act of 2022 Has Become Law." Martin & Jones, PLLC.

⁹ See 28 U.S.C. § 2675(a).

¹⁰ See *id.*

¹¹ See "Our North Carolina Lawyers are Prepared to File a Camp Lejeune Water Contamination Lawsuit on Behalf of Affected Veterans and Families Now that the Camp Lejeune Justice Act of 2022 Has Become Law." Martin & Jones, PLLC.

¹² See *id.*

¹³ See "Filing Claims Under the Camp Lejeune Justice Act of 2022." U.S. Navy Judge Advocate General's Corps.

Q: Can the Government seek immunity against my claim?

A: No. The Government may not assert any claim to immunity in any action.¹⁴

Q: What are my options for relief?

A: Eligible claimants appear to be able to recover monetary damages for injuries, medical costs, emotional harm, and other applicable damages, including wrongful death.¹⁵

Q: Since other applicable damages are allowed, can I file a claim that also seeks punitive damages?

A: No. Punitive damages may not be awarded in any action.¹⁶

Q: How are monetary damages awarded?

A: Any award made to an individual will be offset by the amount of any disability award, payment, or benefit provided to the individual under:

- any program administered by the Secretary of Veterans Affairs;
- the Medicare program under title XVIII of the Social Security Act; or
- the Medicaid program under title XIX of the Social Security Act; and
- in connection with health care or a disability relating to exposure to the water at Camp Lejeune.¹⁷

¹⁴ H.R. 6482 at § 2(e).

¹⁵ “Honoring Our PACT Act Signed into Law: Camp Lejeune Water Contamination Lawsuits Move Forward.” *The National Law Review*. August 10, 2022.

¹⁶ H.R. 6482 § 2(f).

¹⁷ *Id.* at § 2(d).

Appendix: List of Verified Conditions

#	Condition
1	Bladder Cancer
2	Breast Cancer
3	Esophageal Cancer
4	Female Infertility
5	Hepatic Steatosis
6	Kidney Cancer
7	Leukemia
8	Lung Cancer
9	Miscarriage
10	Multiple Myeloma
11	Myelodysplastic Syndromes
12	Neurobehavioral Effects
13	Non-Hodgkin's Lymphoma
14	Renal Toxicity
15	Scleroderma

Attorney Profile

Dave Jonas, a partner at FH+H, focuses his practice on serving mid-tier corporations, C-suite executives, providing general counsel services to small companies, and individual clients through contract/agreement design, analysis, negotiation, and litigation. Mr. Jonas is a Marine Corps veteran who served at Camp Lejeune and has extensive experience advocating on behalf of a diverse range of servicemembers. Mr. Jonas is well-equipped to handle claims arising out of the Camp Lejeune Justice Act of 2022.

Mr. Jonas represents, advises, and counsels these businesses and individuals on a variety of matters, including corporate transactions, the review of executive employment agreements, employment law (such as proposed terminations, administrative leave, whistleblower, EEO issues, and security clearance matters), government contracts, administrative law and more. Having argued before the United States Supreme Court, Mr. Jonas also has extensive litigation and appellate experience.

Additionally, Mr. Jonas has extensive experience in national security issues and is recognized as one of a handful of experts worldwide in nuclear nonproliferation law. He is widely published in this subject area and served as a negotiator for the US - India Civil Nuclear Agreement – among many other international agreements. He also served on the Presidential Transition Teams for Defense and Energy and was nominated to be General Counsel of the Department of Energy.

Mr. Jonas is an accomplished senior executive attorney with diverse legal, government relations, strategic planning, and leadership experience. He served as general counsel of two federal agencies following his distinguished Marine Corps service that included becoming the first judge advocate in the history of the Army, Navy, Marine Corps, and Air Force to argue in front of the US Supreme Court. He received the U.S. Court of Appeals for the Armed Forces Award for Excellence in Legal Writing and was selected as the Outstanding Career Judge Advocate in the Marine Corps.

Mr. Jonas is an adjunct professor at Georgetown University Law Center and George Washington University Law School and taught at the U.S. Naval War College. He serves on the Board of Directors and as General Counsel of the Young Marines. He is also on the Boards of the American Bar Association Rule of Law Initiative, and the Center for Ethics and the Rule of Law at University of Pennsylvania Law School. He served for nearly a decade on the Board of the Naval War College Foundation.



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